



83
NEWARK POLICE DEPARTMENT
NARRATIVE

CASE NO: 04-3845 DATE: 6-13-04 OFFICER: WREN PAGE 1 OF 2

1 SCENE: ON 6-13-2004 AT 0800HRS I RECEIVED A REQUEST
 2 TO CONTACT NEAL LOPES. I WAS PROVIDED WITH LOPES
 3 TELEPHONE NUMBER.
 4
 5 STATEMENT: LOPES TOLD ME THAT HE DID NOT REMEMBER
 6 WHAT HAD HAPPENED AT THE TIME OF INCIDENT. LOPES TOLD
 7 ME THAT HE NOW RECALLS WHAT LEAD UP TO THE INCIDENT.
 8 HE SAID THAT HE WAS RUNNING IN THE AREA OF EUREKA ST. AND
 9 STEVENSON. LOPES SAID HE RUNS IN THE AREA "ALL THE TIME."
 10 ON THIS INCIDENT LOPES SAID HE DID NOTICE THAT THE ROADWAYS
 11 WERE BEING BLOCKED OFF. HE STARTED RUNNING LAPS PRIOR
 12 TO THE BICYCLE RACE STARTING. LOPES SAID THAT THE RACERS
 13 HAD PASSED HIM SEVERAL TIMES, GOING IN THE OPPOSITE DIRECTION.
 14 LOPES SAID THAT HE WAS IN THE ROADWAY WHEN THE
 15 RACERS WERE APPROACHING. LOPES SAID HE NOTICED A RACER
 16 COMING AT HIM WITH HIS HEAD DOWN. LOPES TOLD ME THAT
 17 THIS RIDER STEERED TOWARDS HIM CAUSING THE IMPACT. LOPES
 18 BELIEVES THAT THIS ACT WAS INTENTIONAL ON BEHALF OF THE
 19 RACER.
 20 AFTER LOPES PROVIDED ME WITH THIS INFORMATION I ASKED
 21 HIM QUESTIONS. I ASKED LOPES IF HE WAS TOLD TO STAY
 22 OFF THE COURSE AND HE SAID "NO." I TOLD HIM THAT IT
 23 WAS REPORTED THAT HE ARGUED WITH ANOTHER PARTY ABOUT BEING
 24 OUT ON THE TRACK. LOPES TOLD ME THAT EVERYONE HE CAME
 25 INTO CONTACT WITH WAS NICE. HE SAID HE NEVER ARGUED WITH
 26 ANYONE.
 27 AFTER SPEAKING WITH LOPES REGARDING THIS INCIDENT
 28 I TOLD HIM THAT THE REPORT WILL BE SENT TO THE DA'S OFFICE.

EXHIBIT A



NEWARK POLICE DEPARTMENT NARRATIVE

CASE NO: 04-3845 DATE: 6-13-04 OFFICER: Wren #66 PAGE 2 OF 2

1	I EXPLAINED TO LOPES THAT THERE WAS INFORMATION THAT
2	HE MAY HAVE STRUCK A RACER WITH HIS ARM. LOPES TOLD
3	ME THAT HE REMEMBERS SOMEONE SAYING THIS AS HE WAS
4	LYING ON THE GROUND. LOPES DENIES THIS, SAYING THAT HE
5	WAS JUST JOGGING.
6	LOPES HAD NO FURTHER INFORMATION TO PROVIDE.
7	
8	END OF REPORT <i>Wren 66</i>
9	
10	ON 6-13-04 AT 1545 HRS I WAS NOTIFIED BY NEWARK POLICE DISPATCH
11	THAT A FAX HAD BEEN RECEIVED ADDRESSED TO ME. THIS FAX WAS SIGNED
12	BY A PERSON IDENTIFYING HIMSELF AS "NEAL LOPES." THE FAX
13	IS A TYPE WRITTEN STATEMENT CONCERNING THE INCIDENT WHICH
14	OCCURRED ON 6-12-04. THIS FAX STATEMENT WILL BE ATTACHED TO
15	THIS REPORT.
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17	<i>Wren 66</i>
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NEWARK POLICE DEPARTMENT INVOLVED PERSONS

CASE NO: 04-3845PAGE 3 OF 7

INVOLVED PERSONS											
CODE	INFORMANT	WITNESS	SUSPECT	REPORTING PERSON	ARREST	STATUS	DISPO	NAME (LAST, FIRST, MI)	RACE	SEX	AGE / DOB
V								RATH, LLOYD	W	M	8-3-47
ADDRESS: <input checked="" type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS		CITY / ZIP:		PHONE: <input checked="" type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS							
583 10TH AVE.		San Francisco		415 668-7451							
DL#	ST:	SSN:	PFN / LOCAL NBR:	HEIGHT	WEIGHT	HAIR	EYES				
				5'10	165	BRN	BRN				
INJURY: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		INJURY DESCRIPTION:		VIC RELATION TO OFFENDER:							
		LEFT LOWER LEG		NONE							
I DOUBLE-LOCKED AND CHECKED THE HANDCUFFS FOR TIGHTNESS: <input type="checkbox"/>		TRANSPORTED TO:		OTHER DESCRIPTION: (SCARS, MARKS, TATTOOS, CLOTHING, ETC)							
W								SHEPPARD, BYRON	W	M	9-26-55
ADDRESS: <input checked="" type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS		CITY / ZIP:		PHONE: <input checked="" type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS							
504 WOODROW AVE		Santa Cruz		831 427-2881							
DL#	ST:	SSN:	PFN / LOCAL NBR:	HEIGHT	WEIGHT	HAIR	EYES				
	CA			5-08	155	BRN	BRN				
INJURY: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		INJURY DESCRIPTION:		VIC RELATION TO OFFENDER:							
				NONE							
I DOUBLE-LOCKED AND CHECKED THE HANDCUFFS FOR TIGHTNESS: <input type="checkbox"/>		TRANSPORTED TO:		OTHER DESCRIPTION: (CLOTHING, SCARS, MARKS, TATTOOS, ETC)							
I								SAGE, JASON ALEXANDER	W	M	1-31-79
ADDRESS: <input checked="" type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS		CITY / ZIP:		PHONE: <input checked="" type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS							
325 COVE CT		San Leandro 94578		510 352-6149							
DL#	ST:	SSN:	PFN / LOCAL NBR:	HEIGHT	WEIGHT	HAIR	EYES				
	CA			5-68	170	BRN	BRN				
INJURY: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		INJURY DESCRIPTION:		VIC RELATION TO OFFENDER:							
				NONE							
I DOUBLE-LOCKED AND CHECKED THE HANDCUFFS FOR TIGHTNESS: <input type="checkbox"/>		TRANSPORTED TO:		OTHER DESCRIPTION: (CLOTHING, SCARS, MARKS, TATTOOS, ETC)							
W								ROSA, LAWRENCE PETER	W	M	3-16-69
ADDRESS: <input checked="" type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS		CITY / ZIP:		PHONE: <input checked="" type="checkbox"/> RESIDENCE <input type="checkbox"/> BUSINESS							
2729 Somerset AVE		Castro Valley CA		(415) 860-2860							
DL#	ST:	SSN:	PFN / LOCAL NBR:	HEIGHT	WEIGHT	HAIR	EYES				
	CA										
INJURY: <input type="checkbox"/> YES <input type="checkbox"/> NO		INJURY DESCRIPTION:		VIC RELATION TO OFFENDER:							
I DOUBLE-LOCKED AND CHECKED THE HANDCUFFS FOR TIGHTNESS: <input type="checkbox"/>		TRANSPORTED TO:		OTHER DESCRIPTION: (CLOTHING, SCARS, MARKS, TATTOOS, ETC)							

JB
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 NEWARK POLICE DEPARTMENT



NEWARK POLICE DEPARTMENT
NARRATIVE

CASE NO: 04-3850 DATE: 6/12/04 OFFICER: WREN, J. PAGE 4 OF 7

1 SCENE: ON 6-12-2004 AT 0821 HRS I WAS DISPATCHED
 2 TO THE 39000 BLOCK OF EUREKA ST., CROSS OF STEVENSON BLVD.
 3 I WAS FURTHER ADVISED BY DISPATCH THAT THIS WOULD BE
 4 REGARDING A ACCIDENT INVOLVING A PED V. BICYCLIST.
 5
 6 INVESTIGATION: THE AREA IN WHICH THIS INCIDENT OCCURRED
 7 WAS THE SCENE OF A BICYCLE RACE. THE ROADWAY HAD BEEN
 8 SHUT DOWN AND A RACE COURSE SET UP. THIS EVENT WAS
 9 HELD UNDER A VALID USE PERMIT ISSUED BY THE CITY OF NEWARK.
 10
 11 STATEMENTS: WHEN I ARRIVED I WAS DIRECTED TO THE LISTED
 12 SUSPECT, LOPES, BY EVENT STAFF. I CALLED FOR EMS AND WHILE
 13 WAITING I ASKED LOPES WHAT HAPPEND. HE TOLD ME THAT HE
 14 WAS "CONFUSED" AND DID NOT KNOW WHAT HAPPEND. HE DID CONFIRM
 15 THAT HE WAS IN THE ROADWAY RUNNING IN THE OPPOSITE DIRECTION
 16 OF THE BICYCLE RACERS. LOPES MADE NO OTHER STATEMENTS AND
 17 WAS TRANSPORTED BY AMBULANCE TO WASHINGTON HOSPITAL.
 18
 19 AFTER SPEAKING WITH LOPES I WAS APPROACHED BY A
 20 WITNESS WHO TOLD ME HE SAW EVERYTHING. THIS WITNESS,
 21 BYRON SHEPPARD, WAS BEHIND THE BICYCLIST THAT MADE
 22 CONTACT WITH LOPES. SHEPPARD SAID THAT LOPES, POINTING TO
 23 HIM, WAS RUNNING IN THE ROADWAY HEADING NORTH OF
 24 EUREKA ST. AS THE GROUP OF RIDERS GOT CLOSE TO LOPES
 25 HE RAN INTO THE CENTER OF THE GROUP. SHEPPARD SAID
 26 THE HE SAW LOPES HOLD HIS RIGHT ARM OUT TO THE SIDE,
 27 LEVEL WITH THE GROUND AND STRIKE A RIDER MID CHEST. THIS
 28 CAUSED AN ACCIDENT INVOLVING WHAT HE THOUGHT WAS 2 OR 3



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NEWARK POLICE DEPARTMENT
NARRATIVE

CASE NO: 04-3845 DATE: 6-12-04 OFFICER: LOREN #66 PAGE 5 OF 7

1 RIDERS. SHEPARD SAID HE DID NOT STOP OR SEE ANYTHING
2 ELSE.
3
4 I WAS THEN DIRECTED TO ANOTHER AREA OF THE RACE COURSE
5 WHERE TWO OTHER INJURED RICKLIST WERE. WHEN I ARRIVED
6 I SPOKE TO BOB PARKER. PARKER WAS BEING SEEN BY EMS
7 FOR A POSSIBLE DISLOCATED SHOULDER. HE TOLD ME THAT HE
8 WAS RACING IN A GROUP WHEN HE NOTICED A RIDER IN
9 FRONT OF HIM SWERVE. PARKER THEN IMPACTED LOPES. PARKER
10 SAID THAT HE REALLY DID NOT SEE LOPES PRIOR TO IMPACT.
11 PARKER WENT TO WASHINGTON HOSPITAL FOR TREATMENT OF
12 HIS INJURIES. PARKER COULD NOT PROVIDE FURTHER INF.
13
14 I THEN SPOKE WITH LLOYD RATH. RATH SUFFERED AN INJURY
15 TO HIS LOWER LEFT LEG. HE TOLD ME THAT HE SAW THE RIDER
16 IN FRONT, PARKER, "FLIP OVER." RATH DID NOT SEE OR HEAR ANYTHING
17 ELSE.
18
19 AFTER SPEAKING WITH THE INVOLVED PARTIES I TALKED WITH
20 THE RACE PROMOTER, JASON SAGE. SAGE SAID THE RACE WAS
21 CALLED THE FREMONT BICYCLE RACE. HE OBTAINED THE PERMIT
22 AND WAS RESPONSIBLE FOR THE EVENT. HE TOLD ME THAT
23 LOPES WAS WARNED TO STAY OFF OF THE ROADWAY. SAGE
24 WAS TOLD WHEN LOPES WAS TOLD TO LEAVE THE COURSE
25 HE RESPONDED SOMETHING SIMILAR TO "FUCK YOU JEW." SAGE
26 SAID NO OTHER CONTACT WAS MADE WITH LOPES BECAUSE OF HIS
27 HOSTILE Demeanor.
28



NEWARK POLICE DEPARTMENT NARRATIVE

CASE NO: 04-3845 DATE: 6-12-04 OFFICER: WREN #66 PAGE 6 OF 7

1 EVIDENCE: NO EVIDENCE COLLECTED.

2

3 DISPOSITION: THIS REPORT SHOULD BE SENT TO THE

4 ALAMEDA COUNTY DISTRICT ATTORNEY'S FOR REVIEW AND

5 FILING OF PC 242 CHARGES AGAINST LOPES. VICTIMS,

6 PARKER AND RATH BELIEVE THIS ACT WAS INTENTIONAL

7 ON LOPES' BEHALF. THEY REQUESTED THAT A REPORT

8 COVERING THE DETAILS OF THIS INCIDENT BE SENT TO

9 THE DA'S OFFICE.

10

11 END OF REPORT

Wren #66

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13 (See Supp. Pages)

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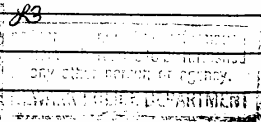
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NEWARK POLICE DEPARTMENT NARRATIVE

CASE NO: 04-3845DATE: 6/13/04 OFFICER: S. FarleyPAGE 7 OF 7

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2	On the listed date and time, I was detailed to the listed
3	location to assist Officer Wren on an accident investigation. Upon
4	arrival I spoke with (W) Peter Rosa who told me the following;
5	He was standing on the S/E corner of Stevenson Blvd and
6	Eureka St. He then observed a BMA running northbound Eureka St
7	from Stevenson Blvd in the middle of the street. The BMA
8	was running directly towards an oncoming group of bicycle riders.
9	(W) Rosa stated the BMA intentionally collided with the group
10	of bicycle riders, causing an accident. (W) Rosa then contacted
11	the police and medical services.
12	(W) Rosa stated the BMA he observed running in the street and
13	purposely causing the accident was the same BMA being treated
14	by medical services. Officer Wren determined the BMA to be
15	Neal Lopes, DOB of 9-11-66,
16	
17	End of Report - Officer S. Farley
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